

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>METROPOLITAN LIFE INSURANCE CO.,</b>	:	<b>CIVIL ACTION NO. 1:11-CV-2141</b>
	:	
<b>Plaintiff,</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>MARION R. FLAMMER a/k/a MARION WALKER and LARUE FLAMMER,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 4th day of February, 2014, upon consideration of defendant LaRue Flammer's motion (Doc. 20) for substitution of a party pursuant to Federal Rule of Civil Procedure 25(a), wherein she avers that defendant Marion R. Flammer a/k/a Marion Walker ("Marion Walker") died in December 2012, and seeks to substitute Richard L. Walker as co-defendant in the above-captioned action, and it appearing that "[i]f a party dies and the claim is not thereby extinguished, the court may order substitution of the proper party," see FED. R. CIV. P. 25(a)(1); Boggs v. Dravo Corp., 532 F.2d 897, 900-01 (3d Cir. 1976), and that "proper parties" include the deceased party's legal representative or "a distributee of an unprobated distributed estate," Indyk v. Experian Info. Solutions, Inc., Civ. A. No. 04-3755, 2006 WL 1582093, at \*1 (D.N.J. June 2, 2006), see also In re Baycol Prods. Litig., 616 F.3d 778, 784-85 (8th Cir. 2010) ("a person may be a 'successor' under Rule 25(a)(1) if she is (1) the primary beneficiary of an already distributed estate; (2) named in a will as

the executor of the decedent's estate, even if the will is not probated; or (3) the primary beneficiary of an unprobated intestate estate which need not be probated.") (internal citations omitted), and it appearing that Richard L. Walker was named in Marion Walker's will as primary beneficiary of her currently unprobated estate, it is hereby ORDERED that:

1. Defendant's motion for substitution (Doc. 20) is GRANTED. Richard L. Walker is substituted for Marion R. Flamer a/k/a Marion Walker as co-defendant in this action.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania